

# UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Nov 20, 2020**

SEAN F. McAVOY, CLERK

U.S.A. vs. Finley, Leland James Docket No. 0980 1:19CR02055-SMJ-1

## Petition for No Action on Conditions of Pretrial Release

COMES NOW Linda J. Leavitt, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Leland James Finley, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke, sitting in the court at Yakima, Washington, on the 21st day of February 2020, under the following conditions:

**Special Condition #7:** Defendant shall obtain a portable Breathalyzer and be subject to testing up to six times per day. Defendant is responsible for the cost of the device.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

**Violation #1:** Mr. Finley is alleged to be in violation of his pretrial release conditions by failing to submit to his portable Breathalyzer testing as required on November 18, 2020, during his 5 a.m. to 8 a.m. testing time frame.

Conditions of pretrial release were reviewed and signed by Mr. Finley on February 24, 2020, acknowledging an understanding of his pretrial release conditions including special condition number 7.

On November 18, 2020, this officer received a report via email from Smart Start, the portable Breathalyzer testing program Mr. Finley is under, advising he failed to submit to his required test as scheduled on November 18, between 5 a.m. and 8 a.m. Upon receiving the report, this officer made contact with Mr. Finley via text message and asked him to submit a makeup test. Mr. Finley did not respond to this officer until 11 a.m. advising he submitted a makeup test at 11 a.m. This officer asked why he missed his Breathalyzer test. Mr. Finley advised he had a "long night" as he was working on his chemical dependency homework and sobriety step program. This officer confirmed Mr. Finley submitted a test on this same date at 11:10 a.m., which to his credit, tested negative.

PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury  
that the foregoing is true and correct.

Executed on: 11/20/2020

by s/Linda J. Leavitt

Linda J. Leavitt  
U.S. Pretrial Services Officer


**Re: Finley, Leland James**

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THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other

*M. K. Dink* 

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Signature of Judicial Officer

11/20/2020

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Date